

**PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Application of:)	
)	
)	Case No. 1D 2006 64747
Emone L. Hughes)	
)	Order Granting Initial Probationary License
)	
<u>Applicant</u>)	

1) Emone L. Hughes is a 2005 graduate of Sonoma College in Petaluma, California. The applicant first filed his physical therapist assistant application on or about January 27, 2006 in the State of California.

2) On or about February 27, 2006 an acknowledgement letter was sent to Mr. Hughes granting “physical therapist assistant license applicant” (PTALA) status with an expiration date of May 28, 2006.

3) On or about July 25, 2006, Mr. Hughes was found to be advertising in the Mill Valley Physical Therapy & Sports Rehabilitation website as a “physical therapist assistant”.

4) On or about July 28, 2006, a letter with the examination results, sent US Certified Mail informing Mr. Hughes that he failed the National Examination and specifically states “Upon receipt of this letter you can no longer work as a physical therapist or physical therapist assistant license applicant as identified in the letter you received granting you applicant status, nor can you identify yourself as one. You may only work as an aide as defined in the Requirements for the Use of Aides in section 1399 of the Physical Therapy Practice Act.”

5) Mr. Hughes continued representing himself as a “PTALA” even after being notified by the Board that he no longer had “PTALA” status through September 27, 2006 while working at Mill Valley Physical Therapy.

JURISDICTION

6) Section 480 (a) of the Business and Professions Code states that a board may deny a license regulated by this code on the grounds that the applicant has one of the following: (1) Been convicted of a crime...; (2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or (3) Done any act which if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license... The above findings support a conclusion that grounds for denial exist pursuant to Sections 480 (a)(2) and (3).

7) Section 583 of the Business and Professions Code states, that no person shall in any document or writing required of an applicant for examination, license, certificate, or registration under this division, the Osteopathic Initiative Act, or the Chiropractic Initiative Act, willfully make a false statement in a material regard.

8) Section 2660.2 of the Business and Professions Code states, the Board may refuse a license to any applicant guilty of unprofessional conduct; or as an alternative, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct but has met all the requirements for licensure.

9) Section 2660(a) of the Business and Professions Code states, the board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, impose probationary conditions upon any license, certificate or approval issued under this chapter for unprofessional conduct that includes, advertising in violation of Section 17500.

10) Section 2660(i) of the Business and Professions Code states, the board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, impose probationary conditions upon any license, certificate or approval issued under this chapter for unprofessional conduct that includes, violating or attempting to violate, directly or indirectly, to violate any provision or term of this chapter or of the State Medical Practice Act.

11) Section 2655.93(d) of the Business and Professions Code states, if the applicant fails to pass the examination or receive approval, all privileges under this section shall terminate. An applicant may only qualify once to perform as a physical therapist assistant applicant.

12) Pursuant to Section 480 and 481 of the Business and Professions Code, there is cause for denial of a license to applicant Emone L. Hughes.

A probationary license will be issued to applicant Emone L. Hughes on appropriate terms and conditions of probation.

ORDER

IT IS ORDERED THAT the application of Emone L. Hughes, for licensure as a Physical Therapist Assistant is hereby issued subject to terms and conditions. Said license shall be subject to all of the following terms and conditions for a period of three (3) years:

1. PROBATION Applicant is placed on probation for a period of three years.
2. OBEY ALL LAWS Applicant shall obey all federal, state and local laws, and statutes and regulations governing the practice, inspections and reporting, of physical therapy in California and remain in full compliance with any court ordered criminal probation.
3. COMPLIANCE WITH ORDERS OF A COURT The Applicant shall be in compliance with any valid order of a court. Being found in contempt of any court order is a violation of probation.
4. QUARTERLY REPORTS Applicant shall submit quarterly reports under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all conditions of probation.
5. PROBATION MONITORING PROGRAM COMPLIANCE Applicant shall comply with the Board's probation monitoring program.
6. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Applicant shall appear in person for interviews with the Board, or its designee, upon request at various intervals.
7. NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS The Applicant shall notify all present or future employers of the reason for and the terms and conditions of the probation by providing a copy of the Initial Probationary License, Statement of Issues, Accusation and the Decision and Order, or Stipulated Settlement to the

- employers, and submit written employer confirmation of receipt to the board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.
8. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The Applicant shall notify the Board, in writing, of any and all of name and/or address changes within ten days.
 9. PROHIBITED USE OF ALIASES Applicant shall not use aliases and shall be prohibited from using any name, which is not his/her legally-recognized name or based upon a legal change of name.
 10. INTERMITTENT WORK If the Applicant works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three months, those months shall not be counted toward satisfaction of the probationary period. The Applicant shall notify the Board if they work less than 192 hours in a three-month period.
 11. TOLLING OF PROBATION The period of probation shall run only during the time the Applicant is practicing or performing physical therapy within California. If, during probation, the Applicant does not practice or perform within California, the Applicant is required to immediately notify the compliance monitor in writing of the date that the Applicant is practicing or performing physical therapy out of state, and the date of return, if any. Practicing or performing physical therapy by the applicant in California prior to notification of the Board of the Applicant's return will not be credited towards completion of probation. Any order for the payment of cost recovery shall remain in effect whether or not probation is tolled.
 12. VIOLATION OF PROBATION If Applicant violates probation in any respect, the Board, after giving Applicant notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against applicant during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
 13. REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT, HEALTH, OR OTHER REASONS Following the effective date of this probation, if Applicant ceases practicing or performing physical therapy due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation Applicant may request to surrender his/her license to the Board. The Board reserves the right to evaluate the Applicant's request and to exercise its discretion whether to grant the request, or to take any other actions deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable, the Applicant makes application for the renewal of the tendered license or makes application for a new license.
 14. COMPLETION OF PROBATION Upon successful completion of probation, Applicant's license shall be fully restored.
 15. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHILE ON PROBATION It is not contrary to the public interest for the Applicant to perform physical therapy under the probationary conditions specified in the disciplinary order. Accordingly, it is not the intent of the Board that this order, the fact that the applicant has been disciplined or that the applicant is on probation, shall be used as the sole basis for any third party payer to remove Applicant from any list of approved providers.
 16. PROBATION MONITORING COSTS Applicant shall reimburse all costs incurred by the Board for probation monitoring during the entire period of probation. Applicant will be billed at least quarterly. Such costs shall be made payable to the Physical Therapy Board of California. Failure to make ordered reimbursement within 60 days of the billing shall constitute a violation of the probation order.

17. RESTRICTION OF PRACTICE – TEMPORARY SERVICES AGENCIES The Applicant shall not work for a temporary services agency or registry.
18. RESTRICTION OF PRACTICE-HOME CARE The Applicant shall not provide physical therapy services in a patient's home.
19. RESTRICTION OF PRACTICE-PRESENCE OF PHYSICAL THERAPIST REQUIRED The Applicant shall be prohibited from working a shift for which there is not a physical therapist on duty in the same facility
20. RESTRICTION OF PRACTICE-PROHIBITION OF SELF EMPLOYMENT OR OWNERSHIP Applicant shall not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Applicant shall not be a board member or an officer or have a majority interest in any corporation that offers or provides physical therapy services.

THIS DECISION SHALL BECOME EFFECTIVE ON February 23, 2007.

IT IS SO ORDERED January 23, 2007.

Original Signed By:
Steven K. Hartzell, Executive Officer